

ORDINANCE NO. R- 2014-4

TAX CODE(S) 82-06-19-028-006.021-029

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 1105 N 1107 FOURTH AVE (Here insert common address)  
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

LOT 4 BL 9 HEINLEIN ADDITION

by changing the zoning classification of the above-described real estate from R2 to C4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on APRIL 21, 2014 at Instrument No.: 2014R00009061. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 14 day of April, 20 14.

ATTEST:

Jana Windhorst  
City Clerk

[Signature]  
President

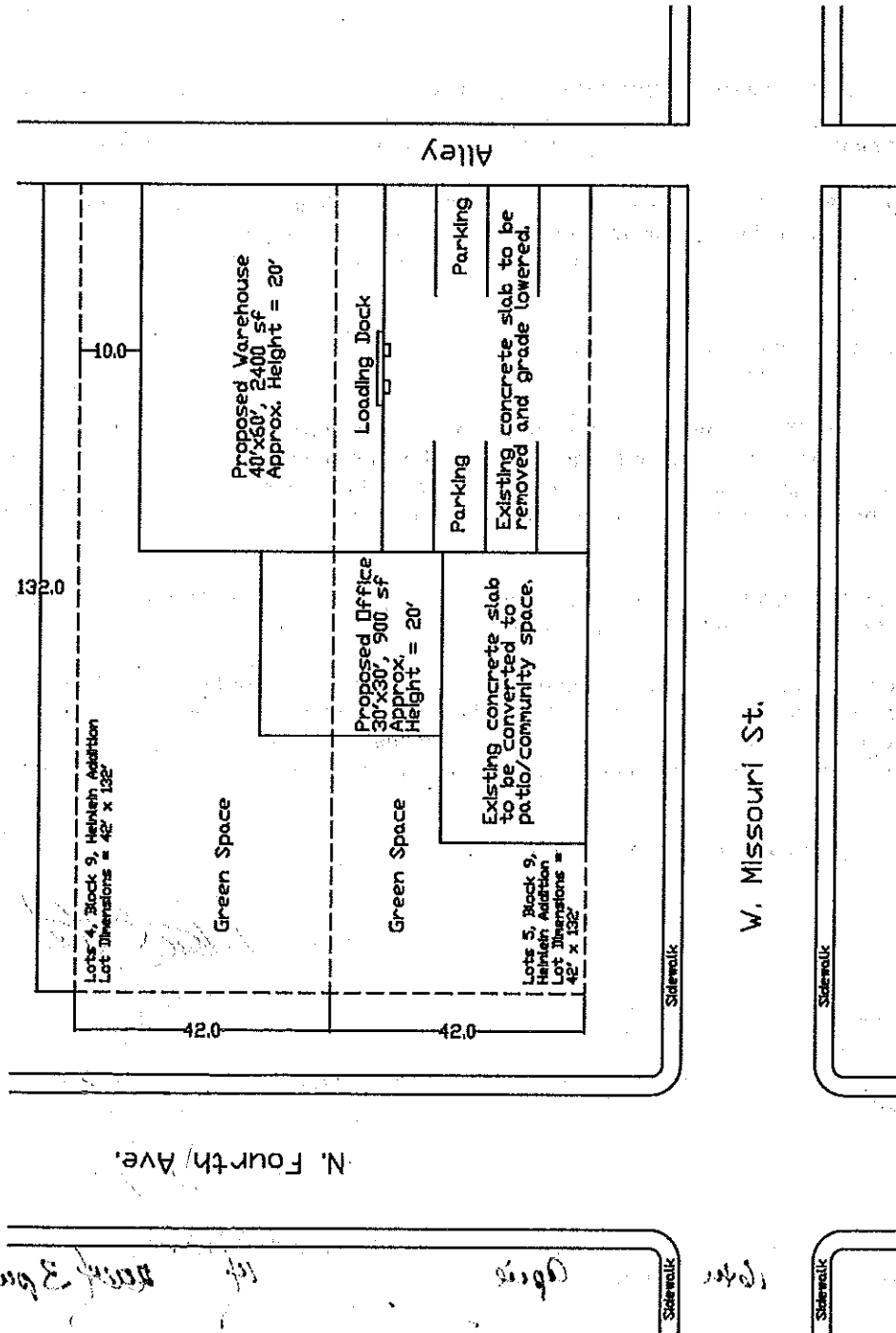
Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 15 day of April, 20 14.

Jana Windhorst  
City Clerk

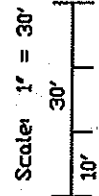
Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 16th day of April, 20 14, at 2:30 pm o'clock

THIS INSTRUMENT PREPARED BY N. Ryan Zaricki

[Signature]  
Mayor of the City of Evansville, Indiana



SITE PLAN		1/7/2014
Prepared By:	Project Information:	
N. Ryan Zaricki	Chad Frazler & N. Ryan Zaricki	
1001 Oliver Rd. N.	1101, 1103, 1105, & 1107 N. Fourth Ave.	
Wadesville, IN 47638	Lots 4&5, Block 9, Heinlein Addition	
(812) 783-2283	Evansville, IN 47710	



NOTES:

- \* Drawing is conceptual, for rezoning purposes only.
- \* All Dimensions are in feet.
- \* Dimensions and locations are approximately, but represented as accurately as possible.
- Property Line

# USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, \_\_\_\_\_ (Name) N. Ryan Zaricki & Chad E. Frazier Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (Address) 1105 N. 1107 Fourth Ave., which real estate is more particularly described as follows, to wit:

LOT 4 BL 9 HEINLEIN ADDITION  
Tax ID: 82-06-19-028-006.021-029

WHEREAS, as the real estate is currently classified as a(n) R2 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C4; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

All uses permitted in C4 zoning EXCEPT:

- \* All Adult Uses including
  - Adult arcade;
  - Adult bookstore, adult novelty store, or adult video store;
  - Adult cabaret or juice bar or bikini bar;
  - Adult motion picture theater;
  - Adult theater;
  - Nude model studio;
  - Sexual encounter center;
  - Peep show facility;
- \* Bar;
- \* Tennis Courts (indoor);
- \* Trampoline Center;
- \* Sororities and fraternities;
- \* Pawnshop;
- \* Mortuary;
- \* Hotels and motels;
- \* Off-track betting facility;
- \* Parking lot or garage;
- \* Riverboat gaming operations.

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as

set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ for the purpose set forth herein.

\_\_\_\_\_  
Signature

STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF VANDERBURGH        )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named \_\_\_\_\_ who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC

A resident of \_\_\_\_\_ County, Indiana.

My commission expires:

This instrument prepared by: (Name) N. Ryan Zaricki  
(Address) 1001 Oliver Rd. N., Wadesville, IN 47638  
(Phone) (812) 783-2283

2014-3

-PC

ORDINANCE NO. R- 2014-4

COUNCIL DISTRICT: AL LINDSEY, (812) 459-6572, ward 6

PETITIONER N. RYAN ZARICKI email: ryanz@wholesundesigns.com PHONE (812) 783-2283 (RYAN'S CELL)  
ADDRESS 1001 OLIVER RD. N., WADESVILLE, IN ZIP CODE 47638  
OWNER OF RECORD CHAD E. FRAZIER & NATHAN RYAN ZARICKI PHONE (404) 425-6050 (CHAD'S CELL)  
ADDRESS 1113 W. MISSOURI ST., EVANSVILLE, IN ZIP CODE 47710

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.

2. Premises affected are on the EAST side of FOURTH AVE. a distance of ~50 feet NORTH (N.S.E.W.) of the corner formed by the intersection of FOURTH AVE. and MISSOURI.

Registered Neighborhood Association (if applicable) STAR

LEGAL DESCRIPTION:

SUBDIVISION HEINLEIN ADDITION BLOCK 9 LOT NO. 4  
(where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 1105 N 1107 FOURTH AVE  
4. The real estate is located in the Zone District designated as R2  
5. The requested change is to (Zone District) C4  
6. Present existing land use is EMPTY LOT/NONE  
7. The proposed land use is CONTRACTOR'S SHOP  
8. Utilities provided: (check all that apply)  
City Water X Electric X Gas X Storm Sewer X  
Sewer: Private        Public X Septic         
9. All attachments are adopted by reference.  
10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 1/9/14 PETITIONER N. Ryan Zaricki  
(when signed) PRINTED NAME N. RYAN ZARICKI

DATE 1/9/14 OWNER OF RECORD Chad E. Frazier N. Ryan Zaricki  
(when signed) PRINTED NAME CHAD E. FRAZIER N. RYAN ZARICKI

REPRESENTATIVE FOR PETITIONER NAME NA  
(Optional) ADDRESS/ZIP         
PHONE       

FILED

JAN 09 2014

Anna W. Wickersham  
CITY CLERK



W FLORIDA ST

N FOURTH AVE

C-2

W LOUISIANA ST

W LOUISIANA ST

C-4

R-2

REZONE R-2 TO C-4

W MISSOURI ST

N THIRD AVE

W OREGON ST

W OREGON ST